

March 15, 2019

The Honorable Kirstjen Nielsen
Secretary of the Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20520

Dear Secretary Kirstjen Nielsen:

We write to express our deep concern regarding the recent NBC investigative article¹ which found that more than 50 journalists, U.S. attorneys and volunteers were tracked by the United States and Mexican governments through a program called *Operation Secure Line*. American journalists, lawyers, and volunteers² have long suspected that U.S. Customs and Border Protection agents were monitoring their activity, and that they were targeted for extended questioning as they conducted their work along the U.S.-Mexico border. With recent leaked documents found by NBC regarding *Operation Secure Line*, the suspicions of these professionals have now been confirmed: DHS officials actively monitored these individuals as they sought to conduct their work along the U.S.-Mexico border.

Operation Secure Line not only appears invasive, if reports are true, it is also unconstitutional. Free press is a hallmark of our country's founding. The Department of Homeland Security is tasked with safeguarding the American people and our homeland. The fact that DHS would track U.S. journalists, attorneys and volunteers attempting to do their jobs when they have committed no crime is deeply concerning. Singling them out precisely because of their constitutionally protected speech strikes at the core of the values embodied by the First Amendment. Notwithstanding concerns with border enforcement, CBP must not prioritize immigration enforcement over the liberties provided by the constitution. The arbitrary detention practices, coupled with questionable practices at points of entry, draw serious concerns. Reports that journalists have been held for 13+ hours for questioning, have been stopped or returned from traveling to do their work, and that lawyers have had sensitive legal documents reviewed by CBP officials is likewise troubling.³ It suggests that the government may be using its power at the border to suppress reporting on issues it would prefer to shield from the public eye.

¹ <https://www.nbcsandiego.com/investigations/Source-Leaked-Documents-Show-the-US-Government-Tracking-Journalists-and-Advocates-Through-a-Secret-Database-506783231.html>

² <https://www.npr.org/2019/02/15/695164916/journalists-lawyers-volunteers-face-increased-scrutiny-by-border-agents>

³ <https://www.npr.org/2019/02/15/695164916/journalists-lawyers-volunteers-face-increased-scrutiny-by-border-agents>

These practices could have a chilling effect on the free press. We therefore request detailed answers to the following questions regarding the tracking of these individuals through *Operation Secure Line*:

1. Why and under what authority is DHS monitoring and investigating reporters and advocacy lawyers as they travel from the United States to Mexico?
2. Why is DHS creating dossiers on individuals?
 - a. What information is being collected in the dossiers?
 - b. What is the purpose of the dossiers?
 - c. Why is the department targeting specific attorneys and journalists for these dossiers?
 - d. What standards and protocol is DHS using to place journalists, attorneys and volunteers on a list for additional screening and scrutiny?
3. Mexican authorities have also detained individuals and denied U.S. citizens access into Mexico. Is DHS sharing information on particular journalists and advocacy lawyers with the Mexican government?
 - a. If so, how has the department communicated their investigative efforts with the Mexican government?
 - b. Also, why has DHS decided to share information with the Mexican government?

Thank you for your attention to this matter.

Sincerely,

Joaquin Castro
Chairman
Congressional Hispanic Caucus